

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MICHAEL CURTIS LOBATO,

Plaintiff,

v.

No. CV 14-753 WJ/GBW

JOHONA GONZALEZS,

Defendant.

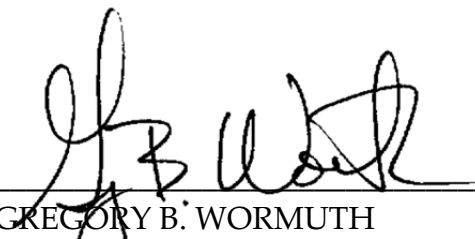
**ORDER DENYING MOTION TO REQUEST A DEFAULT JUDGMENT**

THIS MATTER comes before the Court on Plaintiff's Motion to Request a Default Judgment. *Doc. 5*. Plaintiff asks that default judgment be entered in his favor because "Defendant Johua [sic] Gonzales didn't follow the Rule 12 under Federal Rules of Civil Procedure" and Plaintiff "didn't receive an answer to lawsuit . . . ." *Doc. 5* at 1. Plaintiff grieves that "[t]his lawsuit was, and currently is blatantly ignored." *Doc. 5* at 1.

As is relevant here, Rule 12 provides that "[a] defendant must serve an answer (i) within 21 days after being served with the summons and complaint . . . ." Fed. R. Civ. P. 12(a)(1)(A). As of the date of entry of this motion, Defendant Gonzales has not yet been served. In fact, the Court is currently considering Plaintiff's request for service to be conducted by the United States Marshal. *See docs. 2, 4*. As Defendant Gonzales has not yet been served, Rule 12 does not yet require him to file an answer.

For the foregoing reasons, I find that that Plaintiff's Motion is without merit. It is therefore DENIED.

IT IS SO ORDERED.

  
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GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE